



**TOWN OF LOOMIS**  
**ACTION MINUTES**  
**REGULAR MEETING OF**  
**LOOMIS TOWN COUNCIL**  
**LOOMIS VETERANS' MEMORIAL HALL**  
**5945 HORSESHOE BAR ROAD**  
**LOOMIS, CA 95650**

<b>TUESDAY</b>	<b>AUGUST 12, 2008</b>	<b>7:00 P.M.</b>
<b>CLOSED SESSION</b> – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.		
a. <b>CONFERENCE WITH REAL PROPERTY NEGOTIATOR.</b> Pursuant to Section 54956.9 of the Government Code: <b>Property:</b> - APN 044-010-014, 3665 Taylor Road (South Placer Utility District property) <b>Agency Negotiator:</b> Perry Beck, Town Manager <b>Under Negotiation:</b> price and term		
b. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:</b> Initiation of litigation pursuant to Subdivision (c) Section 54956.9: One potential case		
<b>TUESDAY</b>	<b>AUGUST 12, 2008</b>	<b>7:30 P.M.</b>

**CALL TO ORDER**

Call to order by Mayor Kelley at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present:

Mayor Kelley  
Councilmember Millward  
Councilmember Morillas  
Councilmember Scherer  
Councilmember Ucovich

**STATEMENT OF ACTION TAKEN DURING CLOSED SESSION**

- a. South Placer Municipal Utility District approved the purchase and sales agreement and the Town will proceed to purchase the SPMUD building by September 1, 2008.
- b. No action taken.

**MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS**

Councilmember Ucovich stated the following:

- he would like to have on the next agenda discussion on developing a park adjacent to the Depot Station
- he would like a letter of appreciation sent to the company that did the seal and coat in Sunrise Loomis, they did a great job
- he verified the addresses of about 22% of the girls in Five Cities Soft Ball live in Loomis

Councilmember Millward pointed out the following:

- the Town's last summer concert series was last Friday and there was a good turn-out.
- the Farmer's Market is getting bigger each week and thanked Mark Foley for putting it on

Mayor Kelley suggested having item 12, the Morgan Estates appeal with the Water Principles, continued to a special meeting.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

**Written Material Introduced Into the Record:** Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes. No public comment.

**ADOPTION OF AGENDA** A motion was made to adopt the Agenda, moving items 10, 14, 15, 16 forward after the Consent agenda and continuing item 12 to a special meeting. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda, pulling items 6 and 7 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

#### CONSENT AGENDA

#### RECOMMENDED ACTION

- |   |                   |
|---|-------------------|
| 1. Council Minutes – 6/10/08, 7/8/08  | APPROVE           |
| 2. Monthly Check Register – July  | RECEIVE AND FILE  |
| 3. Statement of Activity  | RECEIVE AND FILE  |
| 4. Treasurer's Report   | RECEIVE AND FILE  |
| 5. Planning Status Report   | RECEIVE AND FILE  |
| 8. Biennial Review of Conflict of Interest Code to Determine If It Is Accurate or, Alternatively, That the Code Must Be Amended | APPROVE AMENDMENT |
| 9. Placer County Sheriff Contract Renewal For 2007/08 Year  | APPROVE           |

#### CONSENT ITEMS FORWARDED

- |                            |                  |
|----------------------------|------------------|
| 6. 2008/09 Projects Update | RECEIVE AND FILE |
|----------------------------|------------------|

Councilmember Ucovich questioned the fees for Goal 8, "Banner/entry feature, directional signs to downtown" and pointed out that he wants to pursue the directional signs.

Perry Beck, Town Manager, pointed out that the \$500 fee was the cost for the two directional signs that Councilmember Ucovich requested information on and the \$210,000 fee was the cost for the banner entry feature that Mayor Kelley requested information on.

Mayor Kelley stated that there needs to be different options for the banner entry feature.

No public comment.

Following further discussion on the matter, a motion was made to receive and file. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

7. Recommendation from the Park and Open Space Commission  
Concerning a Pilot Tree Planting Program to Lessen The Carbon  
Footprint of the Town, Improve the Air Quality, Increase the Tree  
Canopy, Enhance Wildlife Habitat, Add to Rural Character,  
Advance the Town's Participation in the Green Print Program,  
And Utilize Tree Fund Money That Can Only be Used for  
Habitat Improvement Associated With the Planting of Trees

APPROVE

Jean Wilson asked what the Town is getting for the pilot tree planting program?

Perry Beck pointed out the following:

- if this is approved he will start the process in becoming a member
- PG&E is giving a cost estimate on work that they do in the Town and some money they provide
- this will cost the Town some money in order to accomplish some tree mitigation and canopy development in Town

Pat Miller, 4395 Gold Trail Way, pointed out the following:

- the 12,000 dollars is not a fee to be paid to the Arbor Day Foundation, but a requirement that the Town dedicate a certain amount of the budget to be spent on trees for the Town
- becoming a Tree City USA is a side affect of this proposal
- PG&E approached the Park and Open Space Commission (POSC) and offered to help the Town get qualified for the Tree City

Mayor Kelley stated the following:

- the money we collect comes in two categories: a protected oak tree mitigation category and a non-native tree fund
- our tree ordinance specifies that the tree funds we collect should be spent on one of those two categories
- he would like to send this back to the POSC to see how to do this and how to complete the program
- suggested having a 50 tree program that can be monitored
- native oak trees need to be on Town property so they can be protected

Gary Liss, 4395 Gold Trail Way and Chair of Parks and Open Space Commission, stated the following:

- there is over \$200,000 in tree mitigation funds that have not been spent and will go back to the developers if not used
- he suggested considering moving forward with the project as outlined and using about \$8500 to give free trees to residents to maintain
- urged Council to consider this as a reasonable pilot program for planting trees

Councilmember Scherer pointed out the following:

- the two types of trees can be worked out as part of the program and the local nurseries can be educating the people when they pick up the trees
- this is a great program that would be using our tree mitigation fund, supporting the local nurseries, and getting the trees planted in the yards of the residents in Loomis

Following further discussion, a motion was made to approve the pilot tree planting program and authorize spending \$8,650 from the Tree Fund for this purpose and authorize preparing the documentation needed to join.

Discussion on the motion:

Councilmember Ucovich pointed out that the Park and Open Space Commission have already reviewed this program.

Mayor Kelley stated the following:

- the Planning Commission should look at this program
- the money is not identified in our budget so that we can know how much to do
- this needs to be re-reviewed so that we can have a complete program in place and we can be sure we get what we pay for
- there needs to be specifications on the trees that we are going to give to the residents so that they are good trees

Councilmember Scherer pointed out the following:

- these are not good reasons to stall this program, it is time we plant trees
- the POSC developed this program and the money is in the budget

Councilmember Morillas suggested approving the program of giving out the trees to the citizens and ask the POSC to figure out the funding, etc.

Councilmember Ucovich amended the motion to approve the pilot tree planting program and refer the policies for purchase, installation of trees, and funding for further review to the Parks and Open Space Commission. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich  
Noes: None

## PUBLIC HEARING

### 10. Heritage Park Subdivision Reversion to Acreage (Continued from July 8, 2008)

The Heritage Park Subdivision is currently in foreclosure proceedings and the Council approved initiating a reversion to acreage process at the July 8, 2008 meeting

**Recommended action:** Continue this item to the November 11, 2008 Council meeting

**Public comment:**

Due to conflict of interest Councilmember Millward left the table.

Greg Gatto, Umpqua Bank, requested continuance and asked for direction on what Council would like to see and answered questions.

Council discussed the following:

- the need for a park
- they were led to believe it was going to be a senior project but ended up being a bait and switch
- should have specific conditions for senior housing or revert back to acreage
- street design redone with separated sidewalks, bike lanes, and with a electrical vehicle component incorporated
- this area might be better as a higher density development

Brian Sullivan, 4031 Pauline Circle, stated the following:

- if it goes back to acreage it can be changed to another project
- he heard there could be low income housing in there
- they bought their homes thinking homes of equal value would be built there
- senior housing would be fine

Dana Eagan, 4041 Pauline Circle, stated the following:

- they were told when they moved in that the development next to them would be equal housing
- this is an opportunity to think creatively outside of the box and maybe have a combination park with senior housing

Bob Rhodes, 5920 Becky Way, stated the following:

- Council has an opportunity to do something nice here
- an entry from Brace Road would cause a lot of traffic
- should keep this the way it was originally

Adam Noorani, 5993 Mareta Lane, stated the following:

- two years ago he lived on Becky Way
- they needed a park around there for the children to play

Following further discussion, a motion was made to continue this item to the November Council meeting. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote, with Councilmember Millward absent from the table.

Councilmember Millward returned to the table.

### 11. Brace Ranch Estates Drainage Plan Appeal (Continued from July 8, 2008)

Cheryl Benson and others, who own property abutting Brace Ranch Estates, have submitted an appeal of the June 15, 2008 Planning Commission decision to change an agreed upon piped drainage system back to an open waterway as originally approved on the Brace Ranch subdivision map

**Recommended action:** Require that the drainage be piped as Mr. Hood agreed in October 2006 and as was recorded on the final map, and was agreed again in February 2007.

**Public comment:**

Commissioner Mike Hogan, 3131 Humphrey Road, stated the following reasons why the Planning Commission made their decision:

- the pipeline goes under a row of oak trees along the property line and they were trying to save the trees
- there is a large movement in development - they are moving toward grassy swells and rock-lined ditches as a primary treatment for storm water run-off
- it slows the water down, the sediments drop out, grass tends to take out some heavy metals and other things
- that is how the Planning Commission arrived at the decision that the rock-line ditches would be needed to collect the water without the pipes
- also consider that pipes are energy intensive, they cost a lot of money to install, they discharge water directly to the wetlands without any chance for it to slow down or settle, and with the water moving fast it carries a lot of sediment with it so that the sediment just moves further down stream
- ditches need maintenance and no one was taking care of the ditch

Randy Howard, 3980 Howard Lane, stated the following:

- he thinks the existing ditch that is there will work if it is properly maintained
- the bamboo is a problem and is hard to get rid of
- he is concerned with his property flooding
- he just wants a ditch that works

Jave Hood, the developer of Brace Ranch, stated the following:

- Mr. Hogan did a good job of explaining the situation out there
- he sold this property in 2006 to Mike Hargis and his partner and they decided the V-ditch on the east side was best for what they were proposing to do
- it comes down to maintenance and having a good agreement in place where the property owners must maintain it
- he took a crew out there recently, after two years, and had them clean it up
- one good document that gets to the owner of each parcel is the CCR's (it is recorded)

Commissioner Hogan pointed out the following:

- the map they received shows a 10 foot easement on the final map
- Council's map does not show a drainage easement
- the property owners were to maintain the ditch.

Linda Howard, 3980 Howard Lane, stated concerns regarding the fence and the ditch.

Brian Frাগiao, Town Engineer, pointed out the following:

- right now it is all open, water can just free flow across the property line
- but as people come in and they build a fence line it will restrict the people to the east
- the developer should propose a system with above the grade fence line to allow the water to go through and to keep the pets in

Linda Howard stated the following:

- originally the fence was suppose to be on the other side of the ditch
- now they understand the fence will be on the property line
- they don't want it there because they don't want to be responsible.

Mr. Hood pointed out the following:

- these are only 10,000 square foot lots
- he doesn't recall saying the fence would be on the inside of the ditch.
- he recalls they were going to meander through the trees and work with the arborist
- they can set the fence above the grade, maybe six inches, so that it will not impede any drainage through the area
- wire can be put in there so animals can't get out

Commissioner Jean Wilson stated the following:

- when they discussed this they asked the developer to put the fence in before the homeowners came in
- they said it would be on the developers side of the property line
- they said there would be parts of the fence that would have six inches of wire at the bottom so that water could go through and pets could not

Mr. Hood asked if the new owners could defer building the fence until the houses start to build.

Following further discussion on the matter, a motion was made to allow the rock lined ditch with the agreement to maintain the ditch to be written by the Town Attorney and the condition that the fencing will have screening on the bottom where needed for drainage. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

## 12. Morgan Estates Appeal (Continued from July 8, 2008)

Mayor pro tempore Scherer has submitted an appeal of the June 15, 2008 Planning Commission decision to approve the Morgan Estates subdivision

**Recommended action:** Pursuant to Section 13.74.030 D of the Zoning Code Council can:

1. Affirm, affirm in part, or reverse the action, determination or decision that is the subject of the appeal;
2. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal;
3. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested modification or elimination of one or more conditions of approval.

**Public comment:**

Continued to August 19, 2008.

## BUSINESS

### 13. Request to Drill Water Well

Dr. John Barakat asks that the Town Council allow him to drill a water well to irrigate some Vegetation at his house in the Poppy Ridge Court Subdivision, APN 045-150-042

**Recommended action:** Staff recommends denial because landscape watering on this scale is not a prudent or sustainable resource use and the General Plan requires connection to the public water supply.

**Public comment:**

Craig Neabauer, contractor for Dr. Barakat, stated the following:

- he contacted Placer County Water Agency and they had no problem with the well, they just required a backflow device
- the homeowner plans on using the well water to irrigate 150 fruit trees, vineyard, and 800 square feet of garden area
- the well would be more cost effective then using PCWA water
- he has access to ditch and irrigation water but he chooses not to use that
- in order to tap into the irrigation water they wanted him to upgrade the line from 3 inch to 4 inch and to pay back fees, it wasn't feasible for the doctor

Jean Wilson, 4301 Barton Road, stated the following:

- there is five or six parcel irrigation districts that we pay dues into and we have to pay extra fees whenever they have to upgrade
- the pipe that is there now is big enough for what parcels are using the irrigation
- if Barakat wanted ditch water then he would have to put in his own pipe (size depends on the users) and connect where the distribution is

Following further discussion on the matter, a motion was made to deny the request. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Millward, Scherer

Noes: Morillas, Ucovich

### 14. Placer County Transportation Planning Agency (PCTPA) Presentation

PRIDE Industries is ceasing to serve as the Consolidated Transportation Service Agency in Placer County, so there is a need to develop a new structure for transit operations and a joint powers authority appears to be the most likely method

**Recommended action:** Support efforts of PCTPA to form a Joint Powers Authority to handle Transit operations and associated matters.

**Public comment:**

David Melko, Senior Transportation Planner with PCTPA, expounded on the plan for future Consolidated Transportation Services and the program structure and answered questions.

Council questioned the following:

- they should not have the power to authorize a bond
- a majority vote to exercise eminent domain should be eliminated
- questioned what the liability will be for member jurisdictions

No public comment.

Mr. Melko will report back to the Board on Council's comments.

Recess at 9:00 a.m. to 9:10 p.m.

### 15. Homewood Lumber Authorization to Prepare a Development Agreement

In order to confirm development processes and fees Council is asked to authorize staff to prepare a development agreement for Homewood Lumber and proceed into the hearings necessary to conclude that planning process in a timely manner

**Recommended action:** Discuss and decide if a development agreement should be prepared and processed for the Homewood Lumber relocation project and identify deal points that Council would like to be included in a draft agreement

**Public comment:**

Madelyn Coles, 5470 Brace Road, stated concerns about setting a precedence.

Gary Liss, 4395 Gold Trail Way, stated the following:

- urged Council to explore new options that were not available four years ago before proceeding with a development agreement
- he suggested collaborating with KOBRA properties or The Loomis Market Place; or on the Brace/Sierra College Boulevard site may require re-doing the structure in order to get greater efficiency, etc.
- if Council does decide to proceed with a development agreement he suggested proceeding with a loan that would be repaid later, secured

- by buildings and equipment, particularly if banks don't want the land to be encumbered with liens; or extending the time frame for payment of whatever fees are required to be paid to the Town as many years as needed for this deal to work instead of a lump sum fee
- the waiving of tree mitigation funds would set a bad precedence, instead Homewood should plant trees on-site and off-site
- the Town should not accept the donation of the 3.8 acres of land that is not buildable, let them maintain it as is
- the street and sidewalk improvements on Taylor road should not proceed, it should be left natural

Jean Wilson, 4301 Barton Road, encouraged Council to work with Homewood or they will go somewhere else and the Town needs that sales tax.

Stacy Keller, 3975 Howard Lane, she moved here in October to live in a tree city and she opposes taking out the trees for the business.

Hamid Noorani, Owner of Homewood Lumber, pointed out the following:

- the 3.8 acres proposed donation was suggested by the Town staff
- they haven't moved very far from where they were before and he accepts the idea that if they are not wanted here, they have other choices
- they are not looking for gifts or concessions, habitat restoration was proposed to offset for tree mitigation
- this project must be economically viable, they have their budget and if they put an endless amount of money into the project, then it won't make any sense

Sheri Doupnik, owner of Doupnik Lumber, stated the following:

- encouraged the Council to work with Homewood Lumber to keep this established business in our Town
- they have a great relationship with Homewood
- fortunately, Loomis has two businesses that are successful in this Town and they both need to grow and questioned what is wrong with that, it brings income to the Town

Councilmember Ucovich pointed out the following:

- this is not setting a precedence
- when the Roseville Auto Mall came in, the City of Roseville offered to share one-half of the sales tax with them for twenty years
- the City of Roseville paid for everything and then some, to have the Auto Mall
- If you can get so much revenue in sales tax then the question is, are you willing to put up some money in the community to get more money

Mr. Noorani stated the following:

- the tree mitigation was calculated at \$528,500
- it would take about 1100, 15 gallon trees to replace
- he suggested leaving the habitat as it is and the 3.8 acres of land as it is, they would save money, plant the trees, and they would look after the land enough to keep it maintained and clean (the Town could take it over if they wish to any time)
- then the fee would come down where it is more reasonable

Councilmember Ucovich suggested the following:

- taking over the habitat and responsibility for the maintenance
- set up a long term financing plan to pay for some of the development fees
- or offset the tree mitigation fee with improvements to the 3.8 acres

Councilmember Millward stated the following:

- if Homewood leaves we won't get any money
- we are not giving money away and we need to preserve the tax money that is coming in now
- he likes the idea of a loan program
- we don't have the money to take open space and maintain it at this time

Councilmember Scherer stated the following:

- he would like to work with Mr. Noorani to come up with a unique tree mitigation plan
- we need to be careful, some of the fees need to be paid for, and we need to make sure the community is made whole in the process
- he would like to find locations in Town to have trees planted for mitigation purposes

Councilmember Morillas agrees with staff to have a sub-committee with two Councilmembers and Planning Commissioners.

Council agreed to appoint Councilmembers Scherer and Millward and Commissioners Hogan and Thew with Commissioner Wilson as an alternate on the sub-committee with the Town Manager and Mr. Noorani to work on moving this project forward.

Randy Howard, 3980 Howard Lane, stated concerns on the following:

- proposing the pay back out of Homewood's sales tax
- the proposed pathway from the Homewood habitat would go through private property ( and his daughters)

Mayor Kelley stated the following:

- he supports having a development agreement
- Mr. Noorani has donated more money in Loomis then what his business brings in taxes in one year
- it is a significant benefit to have Homewood stay in Loomis
- he supports the Town owning the 3.8 acres and improving it

Councilmember Ucovich suggested the following:

- trade the land for the tree mitigation fee
- he would waive the park land dedication fees, the passive park land fees, and the park facility improvement fees
- the rest of the fees paid off over several years in sales tax
- there needs to be a deadline of less than a month to come up with a solution

Following further discussion on the matter, Council agreed to have the sub-committee/staff meet and report back at the next Council meeting.

16. Select Rocklin Development Projects Update (Continued from July 8, 2008)

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Avenue that could impact Loomis Residents, Roads, and the general quality of the Loomis community.

**Recommended action:** Review development information and direct the Council sub-committee (Mayor Kelley and Vice Mayor Scherer) that has met once with Rocklin, as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take.

**Public comment:**

Lisa Pywtorak, 4255 Dias Lane and 3861 Del Mar Avenue, pointed out that the following issues need to be considered:

- they are not satisfied with the plans for diverting the run-off
- Rocklin has planned a project that they would not allow in the middle of their city (opened 24 hours) and will not affect them only Loomis residents
- they are putting 27 foot lights, but it is not allowed in the middle of Rocklin
- they will be increasing the noise, air pollution and traffic that will overflow into Loomis
- Del Mar issues - the over crossing will dump more traffic on Del Mar, expanding their Industrial Park, and Del Mar will become a short cut to other areas
- she would like to see Del Mar closed at our borders
- \$10,000 was approved at a previous meeting to hire an attorney to go through the EIR and questioned why that hasn't happened yet

Perry Beck, Town Manager, pointed out that the Town has already spent \$33,932 in special legal counsel for reviewing all Rocklin projects including their EIR.

Dave Larsen pointed out that the special legal counsel is a CEQA attorney and is thoroughly going through Rocklin's EIR.

Nancy Fanning, 3732 Del Mar Avenue, stated the following:

- she has lived on Del Mar since she was two years old
- five years ago this came up and speed bumps and stops signs were put in and it worked
- suggest just putting more speed bumps on Del Mar Avenue
- she is against closing the road and noted that it has been a road since 1853
- it's the new people that move in that want to change everything

Gary Liss stated the following:

- There needs to be more of a concerted effort to look at the whole accumulative impacts
- urged the Town to write to Jerry Brown, Attorney General, regarding the accumulative impacts to help to intervene
- the public safety issues (Loomis Fire District) have not been addressed adequately (first responder/mutual aid)
- economic impact analysis - ask Raley's if they have any concerns if a super store is located close by
- all this information needs to be posted on our website and a link to more information in Rocklin
- we need to take additional steps to address the traffic issues on Del Mar Avenue before they occur

Councilmember Millward clarified that the Loomis Fire District is not the first responders to the Rocklin Crossing.

## COMMITTEE REPORTS

17. Placer County Economic Development Commission - Ucovich
18. Placer County Flood Control/Water Conservation District - Morillas
19. Placer County Transportation Planning Agency - Kelley/Millward
20. Placer County Mosquito Abatement - Ucovich
21. Placer County Air Pollution Control District - Millward/Ucovich
22. Placer County Community Services Commission - Millward
23. Sacramento Area Council of Governments - Scherer/Kelley
24. Placer Land Trust ex-officio representative - Scherer

## ADJOURNMENT

A motion was made to adjourn at 11:51 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

  
Town Clerk

  
Mayor